

**DECLARATION
AND POWER OF ATTORNEY**

UTILITY APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **Methods and Apparatus for Separation of Biological Fluids**, the specification of which

Check One

X is attached hereto.

— was filed on _____ as Application Serial No. _____.

I have read the applicable statutes and rules reprinted below this declaration which I understand to describe subject matter which is material under 37 CFR 1.56(a).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a). I hereby claim **foreign priority** benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

APPLICATION NO.	COUNTRY	DATE OF FILING	PRIORITY CLAIMED (Y/N)

I hereby claim the benefit under Title 35, United States Code, §120 of **any United States application(s)** listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

Patent
Attorney Docket No.: 560.02-US1

APPLICATION NO.	DATE OF FILING	STATUS PATENTED, PENDING OR ABANDONED

I understand that willful false statements and the like are punishable by fine or imprisonment, or both and may jeopardize the validity of the application or any patent issuing thereon. All statements made of my own knowledge are true and all statements made on information and belief are believed to be true. (37 CFR § 1.68)

POWER OF ATTORNEY: As a named inventor, I hereby appoint as my attorneys, with full power of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Robert Douglas Fish, Reg. No. 33,880 and K. David Crockett, Reg. No. 34311, with correspondence directed to Robert D. Fish at Crockett & Fish, 1440 N. Harbor Blvd., Suite 706, Fullerton, CA 92835; Tel: 714-449-2337; Fax: 714-449-2339.

1 ST INVENTOR		
Last name of inventor: Mahant	First Name: Vijay	Middle Initial: K.
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2 ND INVENTOR		
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SIGNATURE(S)		
1 ST /Sole Inventor	Signature: <i>V.K. Mahant</i>	Date: <i>3/11/99</i>
2 ND Inventor	Signature: <i>Byron A. Doneen</i>	Date: <i>3/11/99</i>

(Signature(s) should conform to names as presented at 201 et seq. above).

PTO/SB/10 (12-97)

Approved for use through 9/30/00. OMB 0651-0031

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c))—SMALL BUSINESS CONCERN**
Docket Number (Optional)
560.02-US1Applicant, ~~Patent and Trademark~~ Vijay K. Mahant and Byron A. DoneenApplication No.: 09/500,000Filed ~~05/08/98~~: 05/08/98Title: Methods and Apparatus for Separation of Biological Fluids

I hereby state that I am

the owner of the small business concern identified below.

an official of the small business concern empowered to act on behalf of the concern identified below.

NAME OF SMALL BUSINESS CONCERN Qualisys Diagnostics, Inc.ADDRESS OF SMALL BUSINESS CONCERN 16 Technology Drive, Suite 118, Irvine, CA 92618

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

the specification filed herewith with title as listed above.

the application identified above.

the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:

no such person, concern, or organization exists.

each such person, concern, or organization is listed below.

Separate statements are required from each named person, concern or organization having rights to the invention stating their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING VIJAY K. MAHANTTITLE OF PERSON IF OTHER THAN OWNER VICE PRESIDENT, R&DADDRESS OF PERSON SIGNING 16 Technology Drive, Suite 118, Irvine, CA 92618SIGNATURE Vijay Mahant DATE 3/1/99